

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THOMAS M. DUBOSE,
Petitioner,

VS.

COLE JETER, Warden,
FMC-Fort Worth,
Respondent.

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CIVIL ACTION NO.4:05-CV-017-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Thomas M. Dubose under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 22, 2005; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 13, 2005.


The Court, after de novo review, concludes that Dubose's objections must be overruled, that the motion to dismiss should be granted, and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.

It is therefore ORDERED that the findings, conclusions, and recommendation of the magistrate judge should be, and are hereby, ADOPTED, as modified herein.

It is further ORDERED that respondent Jeter's March 10, 2005, motion to dismiss [docket no. 3] be, and is hereby, GRANTED.

It is further ORDERED that Thomas M. Dubose's petition for writ of habeas corpus under 28 U.S.C. § 2241 be, and is hereby, DISMISSED for lack of jurisdiction.

SIGNED May 19, 2005.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE